

FILED

NOT FOR PUBLICATION

OCT 19 2005

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RODNEY LAMONT HUDSON,

Defendant - Appellant.

No. 03-50598

D.C. No. CR-03-00553-WMB

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
William Matthew Byrne, Senior District Judge, Presiding

Submitted October 11, 2005**

Before: T.G. NELSON, WARDLAW, and TALLMAN, Circuit Judges.

Rodney Lamont Hudson appeals from his guilty-plea conviction and sentence for possession and uttering of counterfeit securities of an organization, in violation of 18 U.S.C. § 513(a).

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Hudson has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Hudson has not filed a pro se supplemental brief.

We have conducted an independent review of the record pursuant to *Person v. Ohio*, 488 U.S. 75, 83 (1988). We affirm the conviction. We remand the sentence for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

Counsel's motion to withdraw as counsel on appeal is denied.

We also note that while the district court found at the sentencing hearing that Hudson lacked the ability to pay a fine, the judgment contains an order that Hudson pay a fine of \$5,000. The district court shall address this discrepancy at the remand hearing.

The conviction is **AFFIRMED**, and the sentence is **REMANDED**.